

REMARKS

Amendment to the Specification

Paragraph [0042] has been amended to include cyclohexane deoxyriboside as one of the specific examples of fluorescence insulator nucleoside analogs. Support for this amendment is found throughout the specification as originally filed, in particular, in paragraphs [0037] and [0042]. No new matter is introduced.

Claim Status

Claim 40 has been amended to include cyclohexane deoxyriboside as one of the examples of fluorescence insulator nucleoside analogs. Support for this amendment is found in paragraph [0042], which describes: “(i)nsulators can enhance the fluorescence properties of standard fluorophores, fluorosides, or polyfluors. The analogs generally comprise a sugar moiety and a cyclic non-aromatic hydrocarbon group attached to the C1 position of the sugar moiety. The sugar moiety can generally be any of the sugar moieties described above” (emphasis added), and in original claim 35, which recites “(a) fluorescence insulator nucleoside analog comprising a sugar moiety and an cyclic non-aromatic hydrocarbon group attached to the C1 position of the sugar moiety”. No new matter is introduced.

With the present amendments, there are 49 claims pending, namely, claims 1-49.

Election of Species

In this Office Action, the Examiner requests that a single disclosed species be elected for prosecution on the merits to which the claims shall be restricted. In response to this election of species, Applicants believe that specific fluorescent nucleoside analogs as set

forth in the instant specification and drawings are patentably related species and that searches for all the species would not be unduly burdensome. However, in order to further the examination, Applicants elects perylene deoxyriboside in alpha isomer from the group of fluorescent nucleoside analog (claims 1-29, 41 and 44-49); dimethylaminostilbene deoxyriboside in alpha isomer from the group of fluorescence quenching nucleoside analog (claims 30-34 and 43); and cyclohexane deoxyriboside in alpha isomer from the group of fluorescence insulator nucleoside analog (claims 35-40, 42 and 44-45).

It is believed that the present election of species is made merely for the purpose of giving the Examiner a starting point for examination and that any amendments to cancel the non-elected species are not necessary at this stage of the prosecution in accordance with MPEP 809.02(a), since no final decision has been made on the allowability of the generic claim(s). If the elected species is found allowable, examination of other species should proceed.

The claims that are readable upon the presently elected species are claims 1, 2, 6-10, 15, 17, 22-28, 30-31, 33-37, 39 and 41-49, among which claims 1, 2, 6-8, 10, 22-27, 41 and 44-49 are generic for the group of fluorescent nucleoside analog; claims 30 and 43 are generic for the group of fluorescence quenching nucleoside analog; and claims 35-36, 42 and 44-45 are generic for the group of fluorescence insulator nucleoside analog.

This document is being filed timely and no fee is believed to be due. However, should any fees be required for any reason in connection with this document, the Commissioner is authorized to deduct said fees from Howrey Deposit Account No. 08-3038, referencing Attorney Docket No. 12665.0025.NPUS01.

Respectfully submitted,



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